

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KENNETH J. MARINO,

Plaintiff,

v.

C.A. No. 07-426-JJF

CROSS COUNTRY BANK and
APPLIED CARD SYSTEMS, INC.,

Defendants.

SECOND STIPULATED ORDER EXTENDING TIME

WHEREAS, by agreed Rule 16 Scheduling Order (D.I. 30) entered by the Court on December 20, 2007, the Court set the deadline for the parties to exchange pre-discovery disclosures as January 31, 2008;

WHEREAS, by Stipulated Order Extending Time (D.I. 31) so ordered by the Court on January 30, 2008, the Court extended the deadline for the parties to exchange pre-discovery disclosures until February 21, 2008 to allow the parties to continue with the mediation process through the Appellate Mediation Program for the United States Court of Appeals for the Third Circuit and in which mediation the parties are attempting to reach a global resolution of all disputes between the parties, including this action;

WHEREAS, the parties have not yet concluded the mediation process and plaintiff, Kenneth J. Marino will be providing a response to the Third Circuit mediator on or before February 22, 2008;

WHEREAS, the parties desire to avoid the expense of preparing pre-discovery disclosures that will be unnecessary if a global resolution of all disputes is reached through the Third Circuit mediation;

WHEREAS, a brief extension of the deadline to exchange pre-discovery disclosures will not affect the remainder of the deadlines in the Rule 16 Scheduling Order.

THEREFORE, the parties stipulate, subject to approval of the Court, that the deadline to exchange pre-discovery disclosures pursuant to Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2 shall be extended until March 20, 2008.

GIBSON & PERKINS, P.C.

OBERLY, JENNINGS & RHODUNDA, P.A.

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It is **SO ORDERED** this _____ day of _____, 2008.

United States District Judge

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February 19, 2008

Via CM/ECF & Hand Delivery

The Honorable Joseph J. Farnan, Jr.
United States District Court
844 North King Street
Wilmington, DE 19801

Re: Marino v. Cross Country Bank, et al. – C.A. No. 07-426-JJF

Dear Judge Farnan:

Enclosed for Your Honor's consideration is a Second Stipulated Order Extending Time, which further extends the time for the parties to make initial disclosures in the hope that the parties will resolve the case in the interim through mediation. Although the parties had hoped to resolve the mediation in time either to dismiss this action or to know that settlement is not possible and to move forward with the initial disclosures by the extended February 21, 2008 deadline, the plaintiff has been reviewing tax implications associated with a settlement, which review has taken longer than the parties had anticipated. Therefore, the parties respectfully request a further extension so that they can continue mediation efforts. The parties respectfully request that you enter the proposed stipulated Order.

I am available at the convenience of the Court to answer any questions.

Respectfully submitted,



KAREN V. SULLIVAN (No. 3872)

KVS/alv

Enclosure

cc: Dr. Peter T. Dalleo
Kevin W. Gibson, Esquire (via CM/ECF)